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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,384	09/28/2001	David A. Levine	BS01-229	2349

28970 7590 01/27/2004

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EXAMINER
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TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/27/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,384

Applicant(s)

LEVINE ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 5-6, 9-14, 17, 20-21, 23, 25-26, 43, 45-47, 51-54, 56-57, 60-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Lewis (6,175,574).

Regarding claims 1, 5, 9, 17, 21, 43, 47, 51, 53-54, 56, and 60. Kay teaches a method for providing an intercom service (see last four lines of abstract), the method comprising:

receiving an intercom service request, the intercom service request including a calling number associated with a location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32);

determining that the calling number corresponds to a subscriber to the intercom service location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32); and

directing initiation of an intercom call to the location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32).

According to Applicant, Kay does not teach or suggest call-back (i.e. on-hook) features (see Applicant's remark on page 14 lines 12-13 of paper number 7, Amendment "A", dated 10/14/03).

Lewis teaches an apparatus and method of using class message so that an automatic callback may be provided to a caller requesting the automatic callback service (col. 8 lines 40-65). In other words, the system monitors for "on-hook" conditions so that the requester may be provided with a predefined ring pattern when call can be connected whereby the caller picks up phone and waits for other party to be connected.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the intercom service as taught by Kay to incorporate class messages as taught by Lewis for the benefit of alerting the requester via predefined ring pattern to pick up phone for intercom call.

Regarding claims 6, 10, 20, 23, 25-26, 45-46, 52, 57, and 61. Kay teaches receiving intercom service request at a service node (see ISCP 40 figure 2).

Regarding claims 11 and 62. Kay teaches AIN query (col. 11 lines 10-13).

Regarding claims 12 and 63. Kay teaches using feature code (see bottom of column 18 wherein “#” or “\*” triggers AIN recognition).

Regarding claims 13-14 and 64-65. Kay teaches using switch hookflash to indicate feature (columns 17-20).

2. Claims 2-3, 7-8, 22, 24, 27-32, 36, 44, 48-49, 55, 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Lewis (6,175,574) further in view of Fleischer, III et al (5,974,133 hereinafter Fleischer).

Regarding claims 2-3, 7, 24, 44, 48-49, 55, and 58. Kay in view of Lewis fails to teach terminating the intercom call based at least in part on a termination condition.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21).

Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis to use a timer as taught by Fleischer so that the intercom call may be terminated if the proper intercom code is not entered within a predefined time period.

Regarding claims 30-32, 36. Kay teaches a method for providing an intercom service (see last four lines of abstract), the method comprising:

receiving an intercom service request, the intercom service request including a calling number associated with a location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32);

determining that the calling number corresponds to a subscriber to the intercom service location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32); and

directing initiation of an intercom call to the location (col. 7 lines 21-23, col. 9 lines 33-42, col. 11 lines 20-31, col. 12 lines 12-32 and lines 64-68, col. 13 lines 42-52, col. 15 lines 20-32, col. 15 line 50 – col. 23 line 32).

However, Kay in view of Lewis fails to teach terminating the intercom call based at least in part on a termination condition.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21). Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis to use a timer as taught by Fleischer so that the intercom call may be terminated if the proper intercom code is not entered within a predefined time period.

Regarding claims 8, 22, and 59. Kay teaches using announcement to collect digits (see standard TCAP protocol announcements used column 12).

Regarding claims 27-29. Kay in view of Lewis fails to teach using system intercom service number.

Fleischer teaches using AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21). Fleischer teaches that the AIN SSP may also be equipped with a timer to time out the trigger if additional digits are not inputted within a predetermined time period, e.g., 4 seconds (columns 24 and 31).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis to use AIN triggers as taught by Fleischer allowing for a more flexible intercom system that enables users to make intercom connections over a larger area.

3. Claims 4, 15-16, 18-19, 50, 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Lewis (6,175,574) further in view of McCormick et al (4,769,837 hereinafter McCormick).

Regarding claims 4 and 50. Kay in view of Lewis fail to teach wherein the location includes a plurality of telephones associated with the calling number.

McCormick teaches using a trigger codes to address each member of the residence or small business, as well as, ring burst signal code which is used to alert the member to pick up the nearest telephone extension for an intercom conversation (col. 3 line 19 – col. 5 line 11).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis to use ring burst signal code as taught by McCormick so that members of a small business may be alerted to pick up the nearest extension phone.



Regarding claims 15-16, 18-19 and 66-67. Kay does not show using first and second ring patterns. Lewis teaches using predefined ring to alert requester to pick up phone.

McCormick teaches using a trigger codes to address each member of the residence or small business, as well as, ring burst signal code which is used to alert the member to pick up the nearest telephone extension for an intercom conversation (col. 3 line 19 – col. 5 line 11).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis to use ring burst signal code as taught by McCormick so that members of a small business may be alerted to pick up the nearest extension phone.

4. Claims 33-35, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay et al (5,247,571 hereinafter Kay) in view of Lewis (6,175,574) and Fleischer, III et al (5,974,133 hereinafter Fleischer) further in view of McCormick et al (4,769,837 hereinafter McCormick).

Regarding claims 33-35, 37-39. Kay in view of Lewis and Fleischer fail to show using first and second ring patterns.

McCormick teaches using a trigger codes to address each member of the residence or small business, as well as, ring burst signal code which is used to alert the

member to pick up the nearest telephone extension for an intercom conversation (col. 3 line 19 – col. 5 line 11).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis and Fleischer to use ring burst signal code as taught by McCormick so that members of a small business may be alerted to pick up the nearest extension phone.

Regarding claims 40-42. Kay in view of Lewis and Fleischer do not show using a second off-hook indication and receiving the intercom call based at least in part on sending the second off-hook indication. However, Kay discloses flashing the hookswitch on telephone to hear a new dial tone wherein another intercom extension number may be dialed (column 17). Lewis uses CLASS messaging. Fleischer uses AIN functionality that includes access codes to be entered by users to access optional features, such as intercom code (column 21).

McCormick teaches using a trigger codes to address each member of the residence or small business, as well as, ring burst signal code which is used to alert the member to pick up the nearest telephone extension for an intercom conversation (col. 3 line 19 – col. 5 line 11).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Kay in view of Lewis and Fleischer to use ring burst signal code as taught by McCormick so that members of a small business may be alerted to pick up the nearest extension phone.

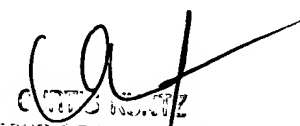
***Response to Arguments***

5. Applicant's arguments with respect to claims 1-67 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
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